



# Legal Argument: The Structure and Language of Effective Advocacy

*James A. Gardner*

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# Legal Argument: The Structure and Language of Effective Advocacy

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## **Legal Argument: The Structure and Language of Effective Advocacy** James A. Gardner

This book has two main purposes. The first is to explain how lawyers construct legal arguments. It is meant to be a purely practical guide to the process by which lawyers take the raw materials of litigation – cases, statutes, testimony, documents, common sense – and mold them into instruments of persuasive advocacy. The book's second purpose is to explain how to take a well-constructed legal argument and present it, in writing, in a way that legal decision makers will find persuasive. The centerpiece of **Legal Argument: The Structure and Language of Effective Advocacy** is a step-by-step method, based on the construction of syllogisms, designed to walk the advocate through the process by which such a winning argument may be crafted. The book is divided into five parts:

- –Part I sets out a general methodology for constructing legal arguments.
- –Part II focuses more closely on the construction of persuasive, well-grounded legal premises, and covers the effective integration of legal doctrine and evidence into the argument's structure.
- –Part III shows how to put the method to work by giving two detailed examples of the construction of complete legal arguments from scratch.
- –Part IV provides a detailed protocol for reducing well-constructed legal arguments to written form, along with a concrete illustration of that process. It also provides concrete advice on how to recognize and avoid a host of common mistakes in the written presentation of legal arguments.
- –Part V moves from the basics into more advanced techniques of persuasive legal argument. These include rhetorical tactics of framing and emphasis, how to respond to arguments, maintaining professionalism in advocacy, and the ethical limits of argument.

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